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TO:

FROM: Roger J. French

COMPANY: U.S. Patent and  
Trademark Office

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Re: Appeal Brief Appendix  
Attorney Docket No: 0233-0001  
Serial No: 10/633,262

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NOTES/COMMENTS:

Title of Invention: **Racing Sulky**

Inventor: **Thomas G. HARMER**

**Contents:**

Transmittal Form (1 page)

Claims Appendix (6 pages)

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PTO/SB/21 (09-04)


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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/633,262	
	Filing Date	July 31, 2003	
	First Named Inventor	Thomas HARMER, et al.	
	Art Unit	3618	
	Examiner Name	John Walters	
Total Number of Pages in This Submission	8	Attorney Docket Number	0233-0001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
<b>Remarks</b> Enclosed is the Copy of Appealed Claims Appendix to be included in the Appellant's Brief filed on April 7, 2006.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Beem Patent Law Firm		
Signature			
Printed name	Roger J. French		
Date	April 11, 2006	Reg. No.	27,786

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Signature			
Typed or printed name	Roger J. French	Date	April 11, 2006

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Serial No: 10/633,262  
Appeal Brief Appendix

Attorney Docket No: 0233-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Thomas G. Harmer, et al.

Title: Racing Sulky

Serial No: 10/633,262

Filing Date: July 31, 2003

Art Unit: 3618

Examiner: Bryan R. Fischmann

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via facsimile to facsimile number (571) 272-8300, to Commissioner for Patents, on the date indicated below.

Signed: 

Roger J. French

Dated: April 11, 2006

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CLAIMS APPENDIX FOR APPELLANT'S BRIEF

Sir,

Enclosed is Appendix, "Copy of Appealed Claims", which was inadvertently omitted from the filing of Appellant's Brief for patent application serial no. 10/633,262 faxed on April 7, 2006.

Respectfully submitted,

Dated this 11<sup>th</sup> day of April 2006.



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Serial No: 10/633,262  
Claims Appendix for Appellant's Brief

Attorney Docket No: 0233-0001

Copy of Appealed Claims

2. A sulky to be drawn by a horse, comprising:  
a generally tubular arch having two ends;  
a seat mounted to said arch between said ends;  
a pair of strut assemblies depending downwardly from and weldable to generally opposite ends of said arch, each of said strut assemblies for receiving a wheel;  
a pair of rails mounted to said arch, one rail being mounted on one side of said seat and the other rail being mounted on the other side of said seat, each of said rails extending generally in a longitudinal direction from said arch to a distal end, said distal ends of said rails being adapted for harnessing said horse between said rails;  
wherein said arch and said strut assemblies are positioned for substantially longitudinal alignment of said wheels before welding said strut assemblies to said arch.

5. A sulky to be drawn by a horse, comprising:  
a pair of laterally spaced wheels mounted generally at opposite ends of a generally tubular arch, there being a longitudinal center line between said pair of wheels;  
a seat mounted to said arch between said ends and said wheels;  
a first rail and a second rail extending from said arch, each rail having a proximal end mounted to said arch and a distal end adapted for harnessing to said horse, said first rail being mounted to said arch on one side of said seat and said second rail being mounted to said arch on the other side of said seat;  
wherein a portion of said first rail proximate said arch is angled toward said center line as said portion extends from said arch, and wherein a longitudinal center line between said distal ends is offset from said longitudinal center line between said pair of wheels.

6. A sulky according to claim 5, wherein said portion is angled at an angle of about 15 degrees.

Serial No: 10/633,262

Attorney Docket No: 0233-0001

## Claims Appendix for Appellant's Brief

9. A sulky to be drawn by a horse, comprising:
- a generally tubular arch having two ends;
  - a seat mounted to said arch between said ends;
  - a pair of rails, one rail being mounted to said arch on one side of said seat, the other rail being mounted to said arch on the other side of said seat, said rails extending in a generally longitudinal direction from said arch to distal ends, said distal ends of said rails being adapted for harnessing said horse between said rails;
  - a pair of laterally spaced wheel assemblies mounted generally at opposite ends of said arch;
- wherein each of said wheel assemblies includes a wheel having two sides, a set of tubular spokes, a rim, and a pair of substantially planar covers mounted on opposite sides of said wheel and substantially covering said spokes.
10. A wheel assembly for a sulky to be drawn by a horse, comprising:
- a wheel having two sides, a set of tubular spokes, and a rim; and
  - a pair of substantially planar covers mounted on opposite sides of said wheel and substantially covering said tubular spokes.
11. A wheel assembly according to claim 10, wherein said covers are mounted to said wheel using fasteners.
12. A wheel assembly according to claim 10, wherein said covers are mounted to said wheel using ~~Velcro~~ hook and loop fasteners.
14. A sulky according to claim 5, wherein a portion of said second rail proximate said arch is angled toward said center line as said portion extends from said arch.
15. A sulky according to claim 14, and each said rail further including a second portion extending forwardly from said angled portion which is generally parallel to said

Serial No: 10/633,262

Attorney Docket No: 0233-0001

Claims Appendix for Appellant's Brief

wheel center line, and a second angled portion extending forwardly from said second portion and angled toward said wheel center line, and wherein a stirrup is located on each said second portion behind said second angled portion.

16. sulky according to claim 14, wherein each of said rails comprise an inwardly angled portion proximate said arch, a generally longitudinal stirrup-holding portion, an inwardly angled intermediate portion, a generally longitudinal guiding portion, an inwardly angled flank portion, and a generally longitudinal harnessing portion.

17. A sulky according to claim 16, further comprising a pair of stirrups, each one of said pair of stirrups being mounted for longitudinal adjustment along a corresponding stirrup-holding portion.